

SECRETARY OF LABOR,

Complainant,

v.

84 COMPONENTS COMPANY,

Respondent.

OSHRC Docket No. 02-0363

ORDER

On January 31, 2002, following an inspection of Respondent's facility in Pennington, New Jersey, the Occupational Safety and Health Administration (OSHA) issued two citations with proposed penalties of \$37,000. Respondent filed a timely notice of contest and the case was assigned to Administrative Law Judge Michael H. Schoenfeld. On October 22, 2002, the parties executed a Stipulated Settlement ("settlement") agreeing to the conclusion of all matters at issue. The parties submitted the settlement to the judge, and on November 4, 2002, the judge issued an Order Approving the Settlement. The judge's order was docketed by the Commission on November 5, 2002.

On November 25, 2002, Respondent filed a Petition for Discretionary Review ("PDR") and a Motion for Relief ("motion") from the judge's order. Chairman W. Scott Ralton directed the case for review on December 3, 2002. In both the PDR and the motion, Respondent claims that, contrary to the language of the settlement, the parties are not in agreement as to the requirements for abatement of the conditions cited in Citation 1, item 8a, which alleged a violation of 29 C.F.R. § 1910.213(h)(1). The Secretary did not oppose the PDR or the motion, nor has she filed a Cross-Petition for Discretionary Review.

To permit appropriate inquiry into this matter, we set aside the judge's order and remand this case to him so that he may consider the issues raised by Respondent.

/s/

W. Scott Railton
Chairman

/s/

Thomasina V. Rogers
Commissioner

/s/

James M. Stephens
Commissioner

Dated: February 24, 2003

ELAINE L. CHAO, Secretary of Labor'
United States Department of Labor,

Complainant,

v.

84 COMPONENTS,

Respondent.

OSHRC Docket No. 02-0363

ORDER APPROVING SETTLEMENT

Respondent in OSHRC Docket No. 02-363 by a letter dated contested the citations issued to it by Complainant on February 21, 2002. In that letter, Respondent also contested the penalties proposed by Complainant for the citations.

An executed Settlement Agreement has been received from the parties, and this Agreement addresses all matters at issue between the parties in this proceeding. The Agreement having been read and considered it is

ORDERED: (1) That the terms of the Settlement Agreement are approved and incorporated as part of this Order; and

(2) That this Order, pursuant to Section 12(j) of the Act, 29 U.S.C. § 661 (j), will become the final order of the Commission at the expiration of 30 days from the date of docketing by the Executive Secretary, unless within that time a member of the Commission directs that it be reviewed.

Dated this 4th day of November, 2002.

/s/

HONORABLE MICHAEL H.. SCHOENFELD
Judge, Occupational Safety
& Health Review Commission